

EXHIBIT H

Riccio, Nicole

From: Mulqueen, Matt
Sent: Thursday, March 24, 2022 12:35 PM
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Subject: American Spirit v. Varsity 2:20-cv-02782; Fusion Elite v. Varsity, 2:20-cv-02600; Jones v. Varsity, 2:20-cv-0282

Counsel,

We received last night a notice for the deposition of Josh Quintero setting the deposition for March 29, 2022, less than a week from the date of service. The service email with the notice was not sent to any of the attorneys are Locke Lord and we request you include Mr. Gaffney and Mr. Coggins on similar correspondence going forward. Moreover, a mere six days of advance notice is not reasonable.

Despite that objection, Defendants are willing to move forward with the deposition of Mr. Quintero on March 29th if Plaintiffs will agree to limit his deposition to a single day of seven hours.

Relatedly, Defendants plan to file a motion for protective order limiting all remaining third party depositions to a single day of seven hours. Plaintiffs have taken the position that they are entitled to upwards of seven hours for each Plaintiffs group that notices a third party deposition, subject to Fusion Elite being limited to five hours for depositions cross-noticed by a Defendant. That is contrary to the Court's requirement that Plaintiffs coordinate on discovery, particularly in regards to depositions. It is also unreasonable and impractical in light of the highly condensed deposition schedule between now and the close of discovery on April 18th. Given the short time frame, we plan to file our motion tomorrow and request an expedited briefing schedule requiring Plaintiffs to respond on or before April 1st. Please advise us of your position on both the substantive relief we plan to seek and the request for an expedited briefing schedule. We are available to discuss this afternoon or tomorrow morning if you feel that would be productive.

Regards,

Matthew S. Mulqueen

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Baker, Donelson, Bearman, Caldwell & Berkowitz, PC represents clients across the U.S. and abroad from offices in Alabama, Florida, Georgia, Louisiana, Maryland, Mississippi, South Carolina, Tennessee, Texas, Virginia, and Washington, D.C.